

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MAX R. PROVINO,

Case No. 3:24-cv-00530-MMD-CSD

Plaintiff,<sup>1</sup>

ORDER

v.

U.S. DOJ, *et al.*,

Defendant.

Pro se Plaintiff Max R. Provino is attempting to file a lawsuit regarding an allegedly stolen hurricane reimbursement check. (ECF Nos. 1-1, 7 at 2 (construing the Complaint in this way).) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 7), recommending the Court dismiss this case with prejudice as frivolous. To date, no objections to the R&R have been filed.<sup>2</sup> Because there is no objection, and as further explained below, the Court will adopt the R&R and dismiss this case.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and

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<sup>1</sup>Max Provino purports to sue on behalf of Helen Provino as well. (ECF No. 1-1 at 1.) United States Magistrate Judge Craig S. Denney ordered Helen Provino to either complete an application to proceed *in forma pauperis* or pay the filing fee, though she did not comply—Max Provino instead filed a notice telling Judge Denney not to harass her. (ECF No. 7 at 1 n.1.) Pro se litigants may not represent other litigants. *See, e.g., Hillygus v. Doherty*, No. 19-15137, 2019 WL 3384896, at \*1 (9th Cir. June 27, 2019). Regardless, because the Court adopts the R&R in this order, Helen Provino’s status is immaterial.

<sup>2</sup>Provino filed a motion after Judge Denney issued the R&R. (ECF No. 9.) The Court construed it as a motion for extension of time and gave Provino until May 27, 2025, to object to the R&R. (ECF No. 10.) In the order granting the extension of time, the Court warned Provino it would adopt the R&R and dismiss this case if he did not timely object. (*Id.*) Provino did not timely object.

1 recommendations is required if, but *only* if, one or both parties file objections to the  
2 findings and recommendations.” (emphasis in original)). Judge Denney found that  
3 Provino’s “complaint and subsequent filings of documents present an unintelligible  
4 conspiracy, fantastic, and/or delusional allegations, and as such, this action should be  
5 dismissed with prejudice as frivolous.” (ECF No. 7 at 4.) Having reviewed the R&R, Judge  
6 Denney did not clearly err.


7 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF  
8 No. 7) is accepted and adopted in full.

9 It is further ordered this case is dismissed, in its entirety, with prejudice, as  
10 frivolous.

11 It is further ordered that Provino’s pending motions (ECF Nos. 3, 5, 6, 9) are denied  
12 as moot.

13 The Clerk of Court is directed to enter judgment accordingly and close this case.

14 DATED THIS 28<sup>th</sup> Day of May 2025.

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18 MIRANDA M. DU  
19 UNITED STATES DISTRICT JUDGE  
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